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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,258	11/01/2001	Kram Henry Allen	10013460-1	2458

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Intellectual Property Administration

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EXAMINER

ZHOU, TING

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,258

Applicant(s)

ALLEN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-14 and 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 7 March 2005 under 37 CFR 1.53(d) based on parent Application No. 10/002,258 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 7 March 2005, submitted with the filing of the RCE have been received and entered. The applicant has cancelled claims 15-20 and added new claims 21-22. Claims 1-2, 5-14 and 21-22 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. U.S. Patent 5,920,316.

Referring to claims 1 and 8, Oran et al. teach a method and system comprising logic configured to display the one or more of the related sub-items of one of the items in response to at least one of: moving of a cursor over the one of the items and actuating an input button of a mouse input device as the cursor is located over the one of the items (for example, if the user positions the mouse cursor to point at the start menu button and then clicks the mouse button, the related sub-items of the start menu, i.e. "Programs", "Documents", "Settings", etc. are displayed)

(column 9, lines 41-54); and actuating a virtual button associated with the one of the items (users can display related sub-items of the start menu, i.e. “Programs”, “Documents”, “Settings”, etc. by selecting the virtual button for the start menu, i.e. button 32 shown in Figure 16A) (column 9, lines 41-54); and determining when the cursor is moved over the one of the items; and in response thereto, displaying a first preview window comprising the one or more related sub-items (when a cursor is pointed at one of the cascading, or hierarchically arranged menu items from the start menu, if there are related sub-items, i.e. there is an arrow indicating more related sub-menus, the related sub-menus are displayed) (column 9, line 39 – column 10, line 15). This can further be seen from the examples shown in Figures 16A-C; as can be seen from Figure 16C, when the cursor is positioned over “Programs”, the related sub-items of “Programs”, such as “Accessories”, “Microsoft Applications”, etc. are displayed in a preview window as a cascading menu, represented by reference character 105.

Referring to claims 2 and 10, Oran et al. teach the cursor is manipulated by a mouse (column 6, lines 46-48 and column 10, lines 17-18).

Referring to claims 5 and 12, Oran et al. teach determining when the cursor is moved over one of the related sub-items in the first preview window, and if the one of the related sub-items has one or more related second-level sub-items, displaying a second preview window comprising the one or more related second-level sub-items (displaying cascading menu items; for example, “Accessories”, which is one of the sub-items of “Programs”, contains second-level sub-items, shown by the arrow next to “Accessories”, indicating more cascaded items; when the cursor is positioned over the “Accessories” sub-item, its associated second-level sub-items can be displayed) (column 9, line 65 - column 10, line 8). This is further shown in Figure 16C.

Referring to claims 6 and 13, Oran et al. teaches at least a portion of the second preview window is displayed over at least a portion of the first preview window (as can be seen from Figure 16C, at least a portion of the window displaying the sub-items for “Programs”, containing “Accessories”, “Microsoft Office”, etc. are displayed over the first menu window containing “Programs”, “Documents”, etc.; therefore, a portion of the window displaying second-level sub-items of “Accessories” can be displayed over the window containing the sub-items “Accessories”, “Microsoft Office”, etc.).

Referring to claims 7 and 14, Oran et al. teaches one or more of the related sub-items has one or more related second-level sub-items, and further comprising the step of displaying a second preview window comprising the one or more related sub-items (displaying cascading menu items; for example, “Accessories”, which is one of the sub-items of the “Programs”, contains second-level sub-items, shown by the arrow next to “Accessories”, indicating more cascaded items; when the cursor is positioned over the “Accessories” sub-item, its associated second-level sub-items can be displayed) (column 9, line 65 - column 10, line 8). This is further shown in Figure 16C.

Referring to claim 9, Oran et al. teach the logic is embodied in an operating system and initiated by the application (column 5, lines 21-30).

Referring to claim 11, Oran et al. teach each of the items comprises a text object and a button (as shown in Figure 16A, each of the menu items comprise a text object, such as textual descriptions “Start”, “Programs”, “Documents”, etc. and a button, such as the selectable arrow menu buttons shown by reference characters 112, 110, 108, 101, etc.).

Referring to claim 21, Oran et al. teach a method comprising displaying the related sub-item of the one of the items of the tree-view control window in response to: 1) actuating an input button of a mouse input device as a cursor is located over the one of the items (for example, if the user positions the mouse cursor to point at one of the items, such as the “Programs” virtual button shown in Figure 16C, and then clicks the input mouse button, the related sub-items of “Programs”, i.e. “Accessories”, “Microsoft Applications”, “Microsoft Office”, etc. are displayed) (column 9, lines 39 – column 10, line 22); and 2) actuating a virtual button associated with the one of the items (for example, user can display related sub-items associated with “Programs” by selecting the “Programs” item virtual button 112 for the “Programs” menu shown in Figure 16C) (column 9, lines 39 – column 10, line 22); the method further comprising displaying a first preview window comprising the related sub-item in response to determining that the cursor is located over the one of the items (when a cursor is pointed at one of the cascading, or hierarchically arranged menu items from the start menu, if there are related sub-items, i.e. there is an arrow indicating more related sub-menus, the related sub-menus are displayed) (column 9, lines 39 - column 10, line 15). This can further be seen from the examples shown in Figures 16A-C; as can be seen from Figure 16C, when the cursor is positioned over “Programs”, the related sub-items of “Programs”, such as “Accessories”, “Microsoft Applications”, etc. are displayed in a preview window as a cascading menu, represented by reference character 105.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,920,316.

Referring to claim 22, Oran et al. teach each item having sub-items comprises a virtual button and that the actuation of the button causes sub-items to be displayed (as shown in Figure 16A-16C and 17, each menu item having sub-menu items is a selectable virtual button, which can be selected to display the associated sub-menu items) (column 9, lines 39 - column 10, line 15). It is typical for related menu items to be alternately displayed and hidden from view, i.e. expanded and collapsed, upon actuation of the menu item. The examiner takes Official Notice of this teaching. It would have been obvious to one of ordinary skill in the art, to enable the alternate displaying and hiding of sub-items from view in order to conserve screen space when sub-items do not need to be viewed by hiding the sub-items; the collapse of the sub-items with the selection a button that also caused the initial display of the sub-items further avoids cluttering the interface screen with too many buttons and saves screen space.

Response to Arguments

5. Applicant's arguments filed on 7 March 2005 have been fully considered but they are not persuasive:

6. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's arguments allege that Oran does not teach or disclose the combination of features disclosed in claims 1, 8 and 21. However, the applicant has not provided any reasoning or specifically pointed out how the claims are patentably different from Oran et al. The applicant argues that the claims teach three distinct manners in which the sub-items of an item can be displayed. The examiner respectfully maintains that Oran et al. teach all three manners in which sub-items of an item can be displayed. As recited in column 9, lines 41-54 and shown in Figure 16A, Oran et al. teach displaying the related sub-items of the start menu item, i.e. "Programs", "Documents", "Settings", etc. when the user positions the mouse cursor over the "Start" button and actuates an input button of a mouse input device by clicking the left mouse button. In other words, when the user actuates the virtual button for the "Start" menu via moving the cursor over the "Start" item button and clicking the left mouse button, the sub-items of the start menu are displayed. Lastly, related sub-items of one of the items can also be displayed in response to determining when the cursor is moved over the one of the items, i.e. when the mouse cursor is positioned over one of the menu items, the menu item is highlighted and the corresponding cascading menu, i.e. sub-items are displayed, as recited in column 10, lines 8-16 and further shown in Figure 17.

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173